IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 2862 of 2007(N)

CC.31/2005 of C.J.M.,THRISSUR

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PETITIONER:

LESLIE GEORGE KOSHIE,
PROPRIETOR, M/S.NATIONAL FUEL CORPORATION
OPPOSITE SPICES BOARD, N.H. BYEPASS,
VENNALA P.O., KOCHI-28.

BY ADV. SRI.G.GOPAKUMAR (CHERTHALA)
SRI.NOEL JOSEPH

RESPONDENTS:

1. E.S.I. CORPORATION, REP. BY ITS REGIONAL DIRECTOR, REGIONAL OFFICE, E.S.I. CORPORATION, THRISSUR.

2. THE REVCOVERY OFFICER, REGIONAL OFFICE, E.S.I.CORPORATION, THRISSUR.

3. INSPECTOR, E.S.I. CORPORATION, THRISSUR.

BY SRI P.SANKARANKUTTY NAIR, SC FOR ESI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN,J.

W.P.(C).NO.2862 OF 2007

Dated this the 24th day of January, 2007

JUDGMENT

Petitioner, aggrieved by the action of the Employees State Insurance Corporation, has preferred an appeal under Section 75 of the E.S.I. Act before the Employees' State Insurance Court, Alappuzha as E.I.C.No.116/2004. As per Ext.P2 order passed in M.P.No.220/2004 an interim stay against recovery has also been granted on condition to deposit an amount of Rs.25,000/-. The said condition has been complied with. Meanwhile, respondents have already initiated prosecution steps and Ext.P3 is the summons issued by the Chief Judicial Magistrate's Court, Thrissur. It is the contention of the petitioner that since the very dispute as to whether the petitioner is liable to pay any amount under

the E.S.I. Act being under consideration by a competent court having jurisdiction in the matter, until such time, the proceedings in the criminal case may be stayed.

2. The learned Standing Counsel Sri P.Sankarankutty Nair, appearing on behalf of the respondents fairly submits that appropriate direction can be issued for expedite disposal of E.I.C.No.116/2004 and this Court could also issue appropriate direction to safeguard the interest of the petitioner, till then.

3. Having heard both sides, there will be a direction to the E.S.I. Court, Alappuzha to consider and dispose of E.I.C.No.116/2004, as expeditiously as possible, at any rate within a period of six months. Till such disposal, further proceedings pursuant to Ext.P3 will stand stayed.

Petitioner shall produce a copy of this judgment before the Chief Judicial Magistrate's Court, Thrissur for information and compliance.

Writ Petition is disposed of as above.

P.R.RAMAN,
Judge.

kcv.